

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LORENZO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014110453

ORDER DISMISSING CASE

On November 6, 2014, Student's Grandmother filed a request for due process hearing (complaint) with OAH. On December 10, 2014, OAH determined that the Grandmother did not hold educational rights for Student, and she was informed that she needed to send OAH documentation that she had legal authorization to pursue this action.

A prehearing conference was held on December 22, 2014. Grandmother appeared and participated in the PHC. She admitted that she had not submitted any documentation to OAH concerning her ability to represent Student in this matter. She was advised that if she did not file written authority with OAH that gave her the right to represent Student in this matter, by 5:00 p.m. on December 26, 2014, the case would be dismissed. A written order following the PHC was emailed and sent via overnight mail to Grandmother on December 23, 2014. The order informed Grandmother that "Written authority shall be one of the following: 1) a signed statement by Mother authorizing Grandmother to act as an advocate on Student's behalf in this matter; 2) a court order granting educational rights to Grandmother; 3) a signed statement by Mother granting Grandmother Student's educational rights."

On December 29, 2014, OAH determined that nothing had been filed with OAH either before or after 5:00 p.m. on December 26, 2014, that authorized Grandmother to represent Student in this matter.

APPLICABLE LAW

Parents have the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) For the purposes of the Individuals with Disabilities Education Act, a "parent" is described in Education Code section 56028.

DISCUSSION

Grandmother was clearly informed by OAH that she needed to hold educational rights for Student, or be authorized to represent Student in this matter, in order for this case to go forward. The due process hearing is set to begin at 9:30 a.m. on December 30, 2014. However, because OAH has not received any proof that Grandmother holds the educational rights for Student, or meets the definition of a parent as described in Education Code section 56028, or has been authorized by Mother to pursue this action on behalf of Student, this case must be dismissed.

ORDER

OAH Case No. 2014110453 is hereby dismissed without prejudice.

DATE: December 29, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings